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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Altboum et al.

Appl. No. : 09/839,894

Filed : April 20, 2001

For : ISOLATION AND
CHARACTERIZATION OF
THE CSA OPERON (ETEC-
CS4 PILI) AND METHODS OF
USING SAME

Examiner : Z. Lucas

) Group Art Unit 1648

) I hereby certify that this correspondence and all
) marked attachments are being deposited with the
) United States Postal Service as first-class mail in
) an envelope addressed to: United States Patent
) and Trademark Office, P.O. Box 2327,
) Arlington, VA 22202, on

June 8, 2002

(Date)

James J. Mullen III, Ph.D., Reg. No. 44,957

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RESPONSE TO RESTRICTION REQUIREMENT

United States Patent and Trademark Office
P.O. Box 2327, Arlington, VA 22202

Dear Sir:

In response to the Office Action mailed October 5, 1999, please consider the following remarks.

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REMARKS

Telephonic Interview

Applicants thank the Examiners for the courtesy shown during the telephonic interview conducted May 21, 2002. The substance of that discussion is incorporated in the present Response.

Restriction Requirement

In response to the requirement for restriction dated March 13, 2002, Applicants elect, without traverse, to prosecute the claims of Group I. Group I, as noted by the Examiner in the

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subject Official Action, comprises Claims 1-16 and 35-50, drawn to compositions comprising a recombinant product/polypeptide sequence or homologue thereof, classified in class 424, subclass 190.1. Further, we elect the sequences of Invention D, drawn to SEQ ID NO: 7 or a sequence encoding SEQ ID NO: 8. Notwithstanding the election, Applicants respectfully reserve the right to rejoin any cancelled claims in view of the rejoinder doctrine articulated by the Federal Circuit in *In re Ochiai*, 77 F.3d 1565 (1995), and in *In re Brouwer*, 77 F.3d 422 (1996), and as discussed in Section 821.04 of the MPEP.

Applicants have endeavored to address all the issues raised by the Examiner in the pending Office Action. However, if questions remain, the Examiner is invited to contact the undersigned at (619) 687-8603 to discuss any remaining matters. A two-month extension fee is being filed with the present Response. The Commissioner is authorized to charge any fees in connection with this paper to Deposit Account No. 11-1410. A copy of the accompanying transmittal is attached for this purpose.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

3 June 2002

By:



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